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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,211	03/31/2004	Hiroaki Kashima	JP920030090US1	9512

7590 10/25/2007  
Diana L. Roberts  
International Business Machines  
Intellectual Property Law  
11400 Burnet Road  
Austin, TX 78758

EXAMINER
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MCFADDEN, SUSAN IRIS

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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10/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/815,211	<b>Applicant(s)</b> KASHIMA ET AL.	
	<b>Examiner</b> Susan McFadden	<b>Art Unit</b> 2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-11, 15-18, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 1-5, 12-14, 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11, 15-18, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The abstract of the disclosure is objected to because it is not in the right format. Correction is required. See MPEP § 608.01(b).
3. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

### ***Claim Objections***

1. Claims 21-22 are objected to because of the following informalities: a program product should be on a computer readable medium. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6,15, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-085183 ("Hajime et al.", cited by Applicant).

In regard to claims 6,15, and 21, Hajime et al. show a speech recognizing system, method, and product comprising: natural speech recognizing means for recognizing speech input in an application program by dictation; and recognition result converting means for converting a recognition result from said natural speech recognizing means into a final recognition result processable by said application program on the basis of a grammar to be used for recognizing said input speech in a grammar method (Abstract).

4. Claims 6-9,15-17, and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuboi et al. (5,457,768).

In regard to claims 6,15, and 21, Tsuboi et al. show in Figure 2 a speech recognizing device comprising: natural speech recognizing means for recognizing speech input in an application program by dictation (item 1); and recognition result converting means for converting a recognition result from said natural speech recognizing means into a final recognition result (item 2) processable by said application program on the basis of a grammar to be used for recognizing said input speech in a grammar method (item 33).

In regard to claims 7, 16, and 22, Tsuboi et al. show in Figure 2 that said recognition result converting means comprises: candidate sentence generating means for evolving said grammar to generate candidate sentences that are candidates for said final recognition result (item 6); and matching means for selecting a candidate sentence as said final recognition result (item 32) among the candidate sentences by matching said candidate sentences generated by said candidate sentence generating means against the recognition result by said natural speech recognizing means (items 32, 34, col. 8, ln 54- col. 9).

In regard to claims 8 and 17, Tsuboi et al. show in Figure 2 that said matching means selects as said final recognition result a candidate sentence with the highest degree of agreement with the recognition result by said natural speech recognizing means from among said candidate sentences generated by said candidate sentence generating means (item 33, col. 10).

In regard to claim 9, Tsuboi et al. inherently show in Figure 2 a statistical language model generating means for generating a statistical language model to be used for recognizing speech inputted to an application program by dictation on the basis of a grammar to be used for recognizing speech inputted to the application program in grammar method; and wherein said natural speech recognizing means recognizes said inputted speech by dictation using said statistical language model generated by said statistical language model generating means (col. 8-9).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

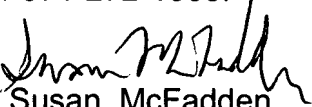
6. Claims 10, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuboi et al. (cited above).

In regard to claims 10-11 and 18, Tsuboi et al. show the system and method discussed above. They do not specifically show that said statistical language model generating means modifies a general statistical language model based on said grammar in order to generate said statistical language model or that the statistical language model generating means generates said statistical language model separately from a general statistical language model; and said natural speech recognizing means recognizes said inputted speech by dictation using said general statistical language model and said statistical language model generated by said statistical language model generating means. One of ordinary skill in the art would know that designers could design statistical models with various features in mind. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they provide more functionality for the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Susan McFadden  
Primary Examiner  
Art Unit 2626

October 23, 2007